



General Assembly

January Session, 2007

Raised Bill No. 1245

LCO No. 4244

04244_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING A TENDER YEARS EXCEPTION TO THE
HEARSAY RULE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) Notwithstanding any
2 other rule of evidence or provision of law, a statement by a child under
3 sixteen years of age relating to an offense committed against that child
4 shall be admissible in a criminal, juvenile or civil proceeding if (1) the
5 court finds, on the basis of the time, content and circumstances of the
6 statement, there is a probability that the statement is trustworthy, (2)
7 the proponent of the statement makes known to the adverse party an
8 intention to offer the statement and the particulars of the statement at
9 such time as to provide the adverse party with a fair opportunity to
10 prepare to meet it, and (3) either (A) the child testifies at the
11 proceeding, or (B) the child is unavailable as a witness and there is
12 independent admissible evidence of the alleged act. For purposes of
13 this section, "child" includes a person who is chronologically sixteen
14 years of age or older, but who has a mental or developmental age of
15 less than sixteen years because of mental retardation or developmental
16 disability.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2007</i>	New section
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Statement of Purpose:

To facilitate the prosecution of child sexual assault cases by establishing a tender years exception to the hearsay rule of evidence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]